



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, September 7, 2011 at 1:30 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	October 5, 2011

MEMBERS PRESENT

Joseph Schorah, Public Member, Secretary
Kevin Wilson, RA, Professional Member
John Mateyko, RA, Professional Member
Peter H. Jennings, RA, Professional Member
Kenneth Freemark, RA, Professional Member, President
Prameela Kaza, Public Member
Brian Lewis, Public Member
Elizabeth Happoldt, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II
Kristen Gibbons, Hearing Officer

ABSENT

Jean McCool, RA, Professional Member

OTHERS PRESENT

Julia LaBadia, Court Reporter
Daniel Silver, Esquire
R. Joseph Hrubier
J. Matthew Pearson
Tamera Pearson

Call to Order

Mr. Freemark called the meeting to order at 1:45 p.m. Mr. Lewis made a motion to go in session, seconded by Ms. Kaza. Motion carried unanimously.

Hearing: Complaint 07-02-09 J. Matthew Pearson

The hearing went on record at 1:46 p.m. Mr. Kerber introduced the case and advised that Mr. Freemark has recused himself from the hearing case therefore Mr. Schorah will chair the hearing.

The State provided its opening statement. Mr. Silver provided his opening statement for the record. The State called Mr. Pearson for testimony. Mr. Pearson was sworn in by the court reporter. Mr. Pearson provided testimony. The State entered Exhibit 1 for the record. There were no objections. The Board went off the record at 2:04 p.m. The board went back on the record at 2:07 p.m. Mr. Kerber clarified with the Board the exact case matter being heard before the Board today. The Board cross-examined Mr. Pearson. Mr. Silver requested a 1 minute recess. The Board went off the record at 2:12 p.m. The Board went back on the record at 2:13 p.m. Mr. Silver requested that the Board dismiss the case as the Division's website state's that they will not accept anonymous complaints. The State rebutted and requested that the Board reject the motion to dismiss the complaint on said grounds. Mr. Kerber read the web page printout that Mr. Silver referred to for record. The Board discussed. Mr. Jennings made a motion to move forward with the hearing, seconded by Mr. Mateyko. Mr. Freemark recused himself therefore there was no vote for him. The motion carried by majority vote.

Mr. Hrubiec called Mr. Pearson as a witness. Mr. Hrubiec stated the defendant's exhibits 1 through 13. The State made objections to exhibits 1-3 and 11-13, and requested that the objected exhibits not be entered into evidence for the record as they are not relevant to the case. Mr. Kerber advised the Board. Mr. Mateyko made a motion to accept the motion of the State to object exhibits 1-3 and 11-13 and accept only exhibits 4 to 10, seconded by Ms. Kaza. The motion carried by majority vote as Mr. Freemark was recused from the vote.

The Defendant's Exhibits 4 to 10 were entered into evidence for the record.

Mr. Hrubiec cross-examined Mr. Pearson. Mr. Pearson provided testimony. The State made an objection to Mr. Hrubiec's questioning. The defending attorney rebutted. The State further objected. Mr. Kerber stated that the defending attorney's questioning must remain relevant to the case at hand. Mr. Hrubiec continued questioning Mr. Pearson.

The State cross-examined Mr. Silver. Mr. Pearson provided testimony. The State stipulated that Mr. Pearson has filed correctly with the State of DE Division of Revenue a professional business license that is correctly stated without the work "architect" on it. The Board had no objections. Exhibit 3 was entered into evidence for the record. The State had no further questions.

Mr. Hrubiec again cross-examined Mr. Pearson. Mr. Pearson provided testimony. The State and the defending attorney had no further questions. Mr. Kerber questioned Mr. Pearson. The Board questioned Mr. Pearson.

The State provided its closing statement. The defending attorney provided his closing statement.

The Board went off the record for deliberations at 3:25 p.m.

The Board went back on the record at 3:46 p.m.

Mr. Schorah made a motion, seconded by Ms. Kaza to issue a cease and desist for Mr. Pearson to refrain from use of the words Architectural Design from all correspondence and advertising and impose a civil penalty of \$1,000 in addition to paying the total cost of the court reporter fee and to comply with the law fully. The motion carried by majority vote. Mr. Freemark did not vote.

The hearing was called to close at 3:49 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the July 6, 2011 meeting. Ms. Kaza made a motion to accept the minutes as submitted, seconded by Mr. Schorah. Motion carried unanimously.

Unfinished Business

Review and Discussion of Proposed Regulation Changes

Mr. Jennings advised that there are some ideas discussed but no written changes yet drafted and will hopefully be ready for the next meeting.

Ms. Kaza left the meeting at 3:51 p.m.

The Board discussed the inclusion of increasing the civil penalty fine in the current statute specifically section 317. Mr. Jennings made reference to the language in the statute that speaks of violation of a cease and desist order and the Board briefly discussed.

Ms. Happoldt inquired who will be responsible for following up on the violations of the cease and desist orders to verify if the person is in compliance or non-compliance. Mr. Freemark inquired if there was someone to track the cease and desist violations. Mr. Kerber confirmed that the Division will follow through with tracking cease and desist issues and verification of compliance with order. Mr. Jennings asked Mr. Kerber to review section 317 regarding the language. Mr. Kerber advised that the language of section 317 of the Board's statute currently is equivalent to the language pertaining to cease and desist orders as all the rest of the Division's professional boards.

Status of Complaints

Ms. Williams advised that complaints 07-01-10, 07-02-10, 07-03-10, 07-04-10, 07-05-10, 07-06-10, 07-07-10, 07-10-10, and 07-11-10 were all forwarded to the Attorney General's office for further investigation.

New Business

Review of Certificate of Authorization Applications

Ms. Happoldt made a motion to ratify the listing of issued Certificate of Authorization applications, seconded by Mr. Lewis. Motion carried unanimously.

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

Joseph McKernan
Chandra Nilekani
Charles McDonald, Jr.

Peter Crissey
Jeffrey Dayton
Jonathan Fishman
Barbara Geddis

Mr. Schorah made a motion, seconded by Mr. Wilson to ratify the above listing of approved NCARB certified architects. Motion carried unanimously.

Review of Reciprocity Application by Direct Application: Catherine Cherry Purple

Mr. Jennings reviewed the application. He stated to respond to applicant in a letter that since she does not appear to meet the practice requirement, therefore she will need to send a formal written response to request a waiver if she has worked as an architect for the past 5 years.

New Complaint Assignments

Mr. Freemark was assigned complaint 07-1-11 and stated that he will report on the case at the next meeting and stated for the record that investigator Mr. Hernandez has done an exceptional job communicating and following through with him on complaint 07-10-10, a related case.

Complaint 07-02-11 was assigned to Mr. Wilson.

Request for Continuing Education Extension

Arthur Altemose, S5-0005460 – The Board reviewed Mr. Altemose's written request. Mr. Mateyko stated to request some type of proof to show that he is medically unable to complete the required continuing education. Mr. Freemark stated to grant the extension; however lapse the license until Mr. Altemose provides proof of the completed continuing education credits for the Board to review. Mr. Kerber stated that Ms. Williams will draft a letter addressed to Mr. Altemose regarding his request for the Board to review at their next meeting. The letter will state that the Board has received Mr. Altemose's request and will follow up with a conclusive response as of the next board meeting.

Arlene Matzkin, S5-0007491 – Mr. Schorah stated to request Ms. Matzkin to appear before the Board for a hearing as she did not provide a reasonable hardship request as stated in Board's Rule 6.4 therefore will not have completed the required continuing education to renew the license.

Correspondence from Marvin Ginsberg

Ms. Williams read the letter from Mr. Ginsberg to the Board. There was no further discussion.

Legislative Memo 2011 for Discussion

Ms. Williams state that Mr. Collins sent out a memo requesting that the Board draft their statute changes for next legislative session in 2012 to be submitted to the Division no later than mid November 2011.

Other Business Before the Board (for discussion only)

There was no other business before the Board for discussion.

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on August 3, 2011 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Ms. McCool made a motion to adjourn the meeting, seconded by Mr. Jennings. The motion carried unanimously. The meeting adjourned at 2:07 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole M. Williams". The signature is written in a cursive, flowing style.

Nicole M. Williams
Administrative Specialist II